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State of Louisiana

Division of Telecommunications

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Federal Communications Commission  
Office of the Secretary

U.S. DEPARTMENT OF JUSTICE

July 13, 2007

CC: 02-6

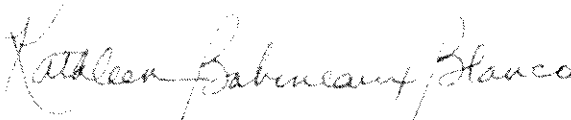
Mr. Kevin Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Martin:

The state of Louisiana appreciates the assistance and special considerations afforded to E-rate applicants affected by Hurricane Katrina. Thanks to E-Rate funding, many schools and libraries have begun the arduous task of rebuilding their communications infrastructure destroyed by the hurricane. Unfortunately, rebuilding has been a much slower process than originally hoped. As described in the attached narrative, there are still many entities that were unable to make use of the opportunity for special funding in the special funding windows allowed by the FCC.

As outlined in our request, we join the state of Mississippi in respectfully requesting that the FCC extend special considerations for priority two services in the 2007 funding year. These special considerations mean the difference between opening schools and libraries now, or waiting until next year. School and library openings are a sign of progress and normalcy, a much needed commodity in these struggling communities.

Sincerely,



Kathleen Babineaux Blanco  
Governor



And Pastorek  
State Superintendent of Education

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# State of Louisiana



MITCHELL J. LANDRIEU  
LIEUTENANT GOVERNOR

POST OFFICE BOX 44247  
BATON ROUGE, LA 70804-4247

## OFFICE OF THE LIEUTENANT GOVERNOR

June 28, 2007

Mr. Kevin Martin, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Martin:

As you are aware, the areas affected by Hurricane Katrina, especially the public libraries and schools, are still struggling to return to pre-storm conditions. The FCC decision to allow libraries and schools in these areas to apply for and receive Universal Service Funds at the 90% discount rate considerably helped begin the recovery process. However, there is a lot of work to be done. I believe the 90% discount rate would supply much needed relief to public libraries and schools that are struggling to provide services to a recovering population. I respectfully request that the FCC consider extending this opportunity to all public libraries and schools in the affected area. Your consideration is appreciated and should you need additional information please do not hesitate to contact me at 225-342-7009.

Sincerely,

  
Mitch Landrieu  
Lt. Governor

cc: Angele Davis  
Secretary

Rebecca Hamilton  
State Librarian



STATE OF MISSISSIPPI  
OFFICE OF THE GOVERNOR

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HALEY BARBOUR  
GOVERNOR

July 31, 2007

Mr. Kevin Martin, Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Dear Chairman Martin:

The State of Mississippi appreciates the post-Katrina assistance the Federal Communications Commission (FCC) has provided to the schools and libraries in our State. The FCC decision to allow libraries and schools in these areas to apply for and receive Universal Service Funds at the 90% discount rate helped Mississippi considerably to begin the recovery process. However, there is still a lot of work to be done as the areas affected by Katrina are still struggling to return to pre-storm conditions. In many cases, the reconstruction of schools and libraries has just begun.

The continuance of the 90% discount rate would supply much needed relief to public libraries and schools that are struggling to provide services to a recovering population. The "Request for Further Waiver of FCC Rules to Extend Relief Provided in FCC 05-178 to Directly Affected Schools and Libraries in Louisiana and Mississippi" is attached. Mississippi and Louisiana have jointly filed this request.

I respectfully request that the FCC consider extending this opportunity to all public libraries and schools in the affected area. Your consideration is appreciated.

If you need additional information, please do not hesitate to contact my office at 601-359-3150.

Sincerely,

A handwritten signature in black ink, appearing to read "Haley Barbour", written over a horizontal line.

Haley Barbour

REQUEST FOR FURTHER WAIVER OF FCC RULES TO EXTEND RELIEF  
PROVIDED IN FCC 05-178 TO DIRECTLY AFFECTED  
SCHOOLS AND LIBRARIES  
IN LOUISIANA AND MISSISSIPPI

FILED BY THE STATES OF LOUISIANA AND MISSISSIPPI

June 2007

BACKGROUND

In order to provide assistance to the victims of Hurricane Katrina in Alabama, Louisiana, and Mississippi, the Commission issued FCC 05-178 (the Katrina Relief Order), which modified various Universal Service Program rules to more effectively target support to the disaster area and to people affected by Hurricane Katrina. With respect to the Schools and Libraries Universal Service Support program (the E-rate program), the order provided that schools and libraries that were directly affected by Katrina were assigned the highest level of priority (i.e., 90 percent) for Funding Years 2005 and 2006. That order also opened a special filing window for directly and indirectly affected schools and libraries for Funding Year (FY) 2005, waived the 2-in-5 rule for directly affected entities receiving internal connections in 2005, and provided broad service substitution authority for directly affected entities for 2005. Subsequently, in response to petitions from our states, the Commission issued FCC 06-23 providing additional relief to the areas devastated by Katrina, including extension of the filing window for E-rate funding for FY 2006 until September 30, 2006, and waiver of the two-in-five rule for FY 2006 for directly affected schools and libraries in Louisiana, Mississippi, and Alabama.

We very much appreciate the assistance that the Commission has provided to the hardest hit schools and libraries in our states, as well as the promise in the Katrina Relief Order: “We are committed to addressing all requests for hurricane assistance in an expeditious manner.”

Recovery from the effects of the storm has been agonizingly slow – the repair and reconstruction needs are tremendous; the economies of the affected regions have been hard hit by population loss, tourism losses, and the needs of those who have remained. Early assessments of damage have proven to be optimistic. For example, as New Orleans public schools continue to open, equipment thought to have been usable in initial assessments after the storm has been found to have been destroyed by vandalism and/or mold in the intervening months.

Good schools and libraries are essential to the recovery effort. Parents will not return unless they can be sure that their children will have access to good education. The relief that the Commission provided to ensure that directly affected schools and libraries would be eligible for discounts on badly needed equipment expires with FY 2006. We continue

to need priority treatment in order to ensure that we can get equipment for newly opening schools. Therefore, we ask the Commission to waive section 54.507 of its rules and treat all schools and libraries directly affected by Hurricane Katrina (as defined in FCC 05-178) at the highest level of priority for Priority Two services (i.e., 90 percent) for an additional funding year -- FY 2007.

## THE CONTINUING NEED

As we wrote in our petition for an extended filing window for FY 2006 for directly affected entities: "Katrina damage was so extensive -- both in terms of geography and the damage to affected entities -- that even assessing it will take many months and addressing it will take years."

Americans have seen, on nightly TV news shows and in articles in their daily newspapers, that recovery from the storm has been much slower and more difficult than originally expected. Thousands are still homeless or living in FEMA trailers. Half the populations in the most devastated areas have left and have not yet returned. Economies have suffered. The supplies and labor needed for the recovery have been in short supply.

St. Bernard Parish in southeast Louisiana provides a dramatic example. Driven by winds of over 160 miles per hour, storm surges of over 25 feet covered the parish. It took more than a month for the flood waters of Katrina to clear the parish and then Hurricane Rita flooded the parish again for several weeks. By the time residents were able to return, the majority of homes were uninhabitable. Massive rebuilding has been underway since. Every resource in construction has been tapped and overburdened. Just getting phone service to all parts of the parish has been overwhelming. In the eastern end of the parish (near where the eye of Katrina passed), BellSouth is just now (21 months after the storm) laying down the fiber to restore phone and Internet service. The parish lost over 14 schools, and the third school just reopened in January 2007. People are still moving back, and reconstruction of homes, businesses, and schools will continue for the next three to five years.

Jackson County, on the Mississippi Gulf Coast, lost two schools due to Katrina. They began the 2005-2006 school year running double schedules beginning at 6:30 in the morning and completing the last class at 6:00 PM. Normal schedules were resumed January 3, 2006, when temporary classrooms were ready for occupancy. The network for the temporary classrooms was active January 3, 2006, when students, teachers, and staff moved into 75 classrooms (including computer labs), trailers, media centers, offices, and cafeterias. Jackson County has not begun new construction due to conflicts with its insurance company and FEMA. The County is appealing FEMA's position, but does not know how long resolution will take. Architects are presently completing site surveys so that, when the County has a decision, it can move forward.

Pass Christian Public School District, also on the Mississippi Gulf Coast, has not yet broken ground on the school that will replace Pass Christian Elementary and Pass Christian Middle Schools. The campus still has a considerable amount of debris on it and

"squatters" in campers, who are mostly volunteers, but include some people with nowhere else yet to live. The District has broken ground on its new central office and maintenance building, but construction of schools will continue well into Funding Year 2007.

Most of the public schools in Orleans Parish, Louisiana, were placed under the control of the Recovery School District (RSD) on November 30, 2005, three months after Katrina hit the city. The RSD has faced monumental challenges over the past year. The district began its first full operational year by hiring Central Office staff, finding office space, creating basic policies, setting up procedures and handling all of the business aspects of starting a school system while also addressing the challenges of rebuilding school facilities damaged by the Nation's most devastating environmental disaster. This year has been hard. For many steps forward, there have been two, three, or four steps backwards. The following bullets are but a few examples of why the waiver we are requesting is so critical.

- Unforeseen construction delays and problems such as vandalism and looting at schools under repair forced the district to hold classes in temporary locations or within another school facility by holding classes for one school early morning through mid-afternoon and late-afternoon through evening hours for the other school. The rebuilding and rehabilitation efforts at RSD schools still have a long way to go.
- After the start of school in September 2007, the RSD continued to register hundreds of students monthly, a phenomenon that continued well into the spring. More than 5,000 new students enrolled AFTER the beginning of the school year. This trend means additional schools will continue to be needed over the next several years.
- Delays and hurdles to assess, document, and complete forms for FEMA and insurance claims have delayed rebuilding efforts.
- Utility and basic services such as electrical, phone, water, sewer, cable, etc., are still not operational across much of Orleans Parish. Utility companies have indicated some areas may not have pre-Katrina level services for several years to come, even though people are moving back into these areas. This has forced the district to look for creative solutions in order to provide safe facilities to educate children living in these areas.
- Unforeseen construction and environmental issues have also plagued the first complete year of school operations. Of the 22 schools the RSD planned to open for fall 2006, eight were delayed or have yet to be opened due to environmental or structural issues. This again caused the district to reassess and reformulate its plans constantly throughout the school year.

These reports are provided to help the Commission understand why assistance – beyond that provided to all eligible schools and libraries under FCC rules – is still required to help the areas of our states devastated by Hurricane Katrina continue their recovery from the storm. School construction and rehabilitation will continue in some of these areas

well into and perhaps beyond FY 2007 and eligibility for E-rate discounts on internal connections will be a key factor in supporting their recovery.

## REQUEST

The states of Louisiana and Mississippi appreciate the relief from the effects of Hurricane Katrina that the Commission provided in FCC 05-178 and FCC 06-23, but the slowness of the recovery has meant that we have not been able to benefit sufficiently from the priority treatment we have been provided in FYs 2005 and 2006. We still have much work to do if schools and libraries are to reopen. If we are not assured of 90% discounts for internal connections requests for FY 2007, we fear that our requests may not be funded or that the matching requirements will constrain the ability to reopen schools and libraries. We request that the Commission waive section 54.507 of its rules and treat all schools and libraries directly affected by Hurricane Katrina at the highest level of priority for Priority Two services (i.e., 90 percent) for an additional funding year – FY 2007.

We ask that priority treatment not be limited to those projects needed to restore pre-Katrina functionality. There are two reasons for this request. First, the filing window for FY 2007 has closed and, while we did notify schools and libraries in our states of our intention to file this waiver request before the window closed, applicants would not have restricted their FY 2007 internal connections requests to pre-Katrina functionality without specific guidance from the Commission. Second, Katrina struck more than 21 months ago and any approved FY 2007 internal connections projects will not get underway until at least two years after Katrina. During that period, technology has evolved. It would be wasteful to force directly-affected entities to install two-year-old technology in order to take advantage of the relief we request.

We do not request waiver of the 2-in-5 rule for FY 2007. We believe that, if the Commission grants this waiver request, the FY 2007 funding that has been requested will mean that most of the schools (and data centers) that needed or will need to be reequipped will have been funded, and we should not need to request additional internal connections funding for the same entities in two of the following four years.